



## **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

3301 Gun Club Road, West Palm Beach, Florida 33401 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • [www.sfwmd.gov](http://www.sfwmd.gov)

Dear Sir and/or Madam:

**Subject: Surplus Request**

The South Florida Water Management District ("District") may sell or exchange surplus lands, including easements and other legal interests in real property in which it has no apparent current or future need under terms and conditions determined by its Governing Board. I have enclosed copies of Sections 373.089 and 373.056, Florida Statutes, and a copy of the Fee Schedule for processing an application pursuant to Rule 40E-9.965 of the Florida Administrative Code. Anyone may make application to the District to have land declared surplus and sold. District lands are considered surplus when:

1. They are not required for present or future works of the District;
2. They are not required for present or future recreational development;
3. They have no apparent present or future utility in the District's land management program;
4. They have been declared surplus by the Governing Board;
5. In the event the lands to be declared surplus were acquired with funds from the Water Management Lands Trust Fund, it must also be determined that they are not required for District or project purposes pursuant to section 373.59, F.S.; and
6. In the event the lands to be declared surplus were acquired with funds from the Florida Preservation 2000 (P2000) Trust Fund, it must also be determined that:
  - a. such land no longer needs to be preserved in furtherance of the Florida Preservation 2000 Act, and
  - b. such disposition would not have the effect of causing all or any portion of interest on any P2000 bonds to lose their exclusion from gross income for purposes of federal income taxation.

**The Land Acquisition Division is responsible for processing the application and routing it through key staff members of the District for their review. Each review is then evaluated, and a consensus recommendation is made to the District's Governing Board, which makes the final decision. The review process will take a minimum of sixty (60) days. In order to start the process, an application must be made and the following provided at the time of application:**

1. A non-refundable application fee in the amount of \$1,000 required under Rule 40E-9.965 made payable to the South Florida Water Management District;
2. The name, address, and telephone number of the applicant;
3. A sketch, and an accurate legal description, including the acreage, of the land. If the sketch is not adequate to identify the land to the satisfaction of the District, the District may require a boundary survey, prepared and certified by a registered Florida land surveyor;
4. Title information: 1) a copy of the instrument by which the District acquired its interest in the land; and 2) a review by a title company to identify any additional owners and any title exceptions, including any existing easements;
5. A statement of the proposed use or development of the land. If the proposed use is in connection with lands owned by the applicant adjacent to the proposed surplus lands, current evidence of the applicant's ownership must be provided;

6. Evidence that the proposed sale or exchange would not violate applicable subdivision or platting laws;
7. A statement evidencing that the proposed sale or exchange is not contrary to the public interest;
8. Other survey, informational, or engineering data necessary to evaluate the request for sale or exchange.

**Additional costs may be incurred for such items as a certified appraisal of the lands to be sold or exchanged, advertisement of the sale or exchange in the local news media, state documentary stamps, and recording fees. These costs and any others are the responsibility of the applicant. It is also the responsibility of the applicant to pay all costs associated with the appraisal prior to the appraisal being conducted. The following is the District's good faith estimate of the costs associated with some of these items.**

- **\$1,000 non-refundable application**
- **\$1,500 survey and legal descriptions**
- **\$700 title review**
- **\$5,000 appraisal fee**
- **\$500 newspaper publication for bid.**

**The Board will waive application fees owed by a governmental entity in connection with applications made if such governmental entity has a reciprocal policy that excludes the District from the payment of application fees. It shall be the governmental entity's responsibility to provide the District a copy of the policy.**

**After reviewing the costs that may be associated with this surplus land request, please contact me directly and indicate whether or not you would like to continue with the process. If I do not have a response to this letter within 60 days of its date, I will assume that you no longer want to proceed.**

Should you have any further questions, please feel free to contact Marcy Zehnder, Section Leader, Title and Closing Section, Land Acquisition Department, at (561) 682-6694 or (800) 432-2045, extension 6694, in Florida; or via email at [mzehnder@sfwmd.gov](mailto:mzehnder@sfwmd.gov).

Sincerely,

South Florida Water Management District

## **SALE OR EXCHANGE OF SURPLUS LANDS**

**In order to commence the process to have the District's interest in land declared surplus, the following items must be provided by the applicant:**

- A letter requesting that the lands be declared surplus, including the applicant's name, address and phone number;
- Non-refundable application/processing fee in the amount of \$1,000 payable to the South Florida Water Management District (in accordance with Rule 40E-9.965, F.A.C.);
- A separate sketch and accurate legal description of the land to be declared surplus, including the acreage. Legal description and sketch to be printed on 8½ x 11 sheets, must be legible and in accordance with Florida Minimum Technical Standards (pursuant to Chapter 472, F.S.). If the sketch is not adequate to identify the land, the District may require a boundary survey, prepared and certified by a registered Florida land surveyor.
- Evidence of title that the District owns the interest to be declared surplus, and/or evidence of title that the applicant owns the underlying fee title to the land encumbered by the District's interest, together with copies of all pertinent documents;
- A statement of the proposed use or development of the land; if the proposed use is in connection with lands owned by the applicant adjacent to the proposed surplus lands, current evidence of title of the applicant's ownership;
- A statement evidencing that the proposed transaction will not violate subdivision or platting laws;
- A statement evidencing that the proposed transaction is not contrary to the public interest; and
- Any other survey, engineering or technical data necessary to evaluate the request, as required by the District.

In addition to the above, a certified appraisal of the land, dated within 120 days prior to the date of the sale, will be obtained by the District. The cost of the appraisal will be paid by the applicant in advance. The appraisal will be conducted by an appraiser listed on the District's Approved Appraiser List and must be reviewed and accepted by the District. Any additional costs, including but not limited to survey, advertising and recording fees, will be the responsibility of the applicant. **Should the applicant choose not to complete the surplus for any reason, all fees paid are non-refundable.** The applicant may purchase title insurance covering the lands to be declared surplus at their own expense.

The request will be processed in accordance with Florida Statutes 373.056, 373.089 and 383.096, and District rules, policies and procedures. It may be necessary to advertise the sale and obtain bids prior to the sale of the land interest, if required by said Florida Statutes. Conveyance will be made by quit claim deed, in accordance with Florida Statute 373.099.

The letter and all required documentation should be sent to the attention of Marcy Zehnder, Section Leader - Title and Closing Section, MSC 7321, 3301 Gun Club Road, West Palm Beach, Florida 33406. Ms. Zehnder can be contacted by telephone at (561) 682-6694 or 1-800-432-2045, extension 6694, or via e-mail at [mzehnder@sfwmd.gov](mailto:mzehnder@sfwmd.gov).



## South Florida Water Management District *Fee Schedule*

Form #0108  
Rev. 9/97

The following schedule of non-refundable fees (as authorized by Rule **40E-9.965** Florida Administrative Code) shall apply to and accompany all applications:

| <u>TYPE OF APPLICATION</u>   | <u>FEE</u> |
|--|------------|
| (a) Sale of surplus lands  | \$1,000.00 |
| (b) Exchange of surplus lands  | 1,000.00   |
| (c) Leases   | 1,000.00   |
| (d) Easements  | 1,000.00   |
| (e) Releases and Non Use Commitments   |            |
| 1. Releases  |            |
| a. canal reservations (EDD, TIIF)  | 250.00     |
| b. road reservations (EDD only)  | 250.00     |
| c. mineral reservations (EDD only; 1.25 acres or less)                           | 250.00     |
| d. multiple releases combined into one instrument (EDD only)                     | 250.00     |
| 2. Non Use Commitments (Parcels in excess of 1.25 acres)                         |            |
| a. residential (single sites)  | *250.00    |
| b. commercial, industrial, residential and<br>governmental development           | *250.00    |
| *\$250.00 for first acre and \$25.00 for each additional acre or portion thereof |            |
| (f) Miscellaneous  |            |
| 1. Approval of release of TIIF or BOE canal reservations                         | 250.00     |
| 2. Quit Claim Deeds  | 200.00     |
| 3. Reissue or corrective deed  | 150.00     |
| 4. Disclaimers   | 200.00     |

NOTE: More than one type of reserving deed on a property may result in multiple fees.

Effective: March 3, 1991

**The following is a list of Statutes that govern the surplus/exchange of District lands:**

**373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.--**

(1)(a) When it is found to be in the public interest and for the public convenience and welfare, and for the public benefit, and necessary for carrying out the works or improvement of any water management district referred to in this chapter for the protection of property and the inhabitants in the district against the effects of water, either from its surplus or deficiency, and for assisting the district in acquiring land for the purposes of the district at least public expense, any state agency, any county, any drainage district, any municipality, or any governmental agency or public corporation in this state holding title to land is hereby authorized, in the discretion of the proper officer or officers, the county commissioners of any county, or the governing board of any agency referred to in this section, to convey the title to or to dedicate land, title to which is in such agency, including tax-reverted land, or to grant use rights therein to any water management district.

(b) The land to which this section applies shall be located within the boundaries of the water management district.

(2) Land granted or conveyed to the district or dedicated to the purposes thereof, or use rights in such land granted thereto, shall be for the public purposes of the district, and may be made subject to the condition that in the event such land is not so used, or if used and subsequently its use for such purpose is abandoned, that granted shall cease as to the district and shall automatically revert to the granting agency.

(3) Any county, municipality, drainage district, or other taxing agency holding title to land through tax reversion, foreclosure, or forfeiture, or through other procedure by which tax title vested in such agency, may, pending the determination of needs of such district, withhold from sale or other disposition from time to time such land as in the judgment of such agency may be needed or helpful in facilitating the purposes of this chapter. In the event more than one taxing agency holds tax title to the same land, resulting in multiple reversions, each of the agencies may grant to such district such right, title, or interest as it may have in such land.

(4) Any water management district within this chapter shall have authority to convey or lease to any governmental entity, other agency described herein or to the United States Government, including its agencies, land or rights in land owned by such district not required for its purposes under such terms and conditions as the governing board of such district may determine. In addition to other general law authorizing the grant of utility easements, any water management district may grant utility easements on land owned by such district to any private or public utility for the limited purpose of obtaining utility service to district property under such terms and conditions as the governing board of such district may determine.

(5) Any land granted or conveyed to such district, or dedicated to the purposes thereof, or the use right of which has been granted thereto shall not be subject to the district taxes or other taxes or special assessments so long as such title or such rights remain in such district.

(6) All rights-of-way of a water management district which are within the boundaries of a drainage district shall not be liable for maintenance taxes of the drainage district.

**History.**--ss. 1, 2, 3, 4, 5, ch. 25213, 1949; s. 6, ch. 61-497; s. 25, ch. 73-190; s. 3, ch. 86-22; s. 10, ch. 2001-256.

**Note.**--Former s. 378.46.

**373.089 Sale or exchange of lands, or interests or rights in lands.**--The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Any lands, or interests or rights in lands, determined by the governing board to be surplus may be sold by the district, at any time, for the highest price obtainable; however, in no case shall the selling price be less than the appraised value of the lands, or interests or rights in lands, as determined by a certified appraisal obtained within 120 days before the sale.

(2) All sales of land, or interests or rights in land, shall be for cash or upon terms and security to be approved by the governing board, but a deed therefore shall not be executed and delivered until full payment is made.

(3) Before selling any surplus land, or interests or rights in land, it shall be the duty of the district to cause a notice of intention to sell to be published in a newspaper published in the county in which the land, or interests or rights in the land, is situated once each week for 3 successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 days nor more than 45 days prior to any sale, which notice shall set forth a description of lands, or interests or rights in lands, to be offered for sale.

(4) The governing board of a district may exchange lands, or interests or rights in lands, owned by, or lands, or interests or rights in lands, for which title is otherwise vested in, the district for other lands, or interests or rights in lands, within the state owned by any person. The governing board shall fix the terms and conditions of any such exchange and may pay or receive any sum of money that the board considers necessary to equalize the values of exchanged properties. Land, or interests or rights in land, acquired under s. 373.59 may be exchanged only for lands, or interests or rights in lands, that otherwise meet the requirements of that section for acquisition.

(5) In any county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer that is contiguous to a county having a population of 75,000 or fewer,

in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of a water management district which are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the surplusage process in this section. Priority consideration must be given to buyers, public or private, who are willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.

(6) Any lands the title to which is vested in the governing board of a water management district may be surplusage pursuant to the procedures set forth in this section and s. 373.056 and the following:

(a) For those lands designated as acquired for conservation purposes, the governing board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.

(b) For all other lands, the governing board shall make a determination that such lands are no longer needed and may dispose of them by majority vote.

(c) For the purposes of this subsection, all lands for which title has vested in the governing board prior to July 1, 1999, shall be deemed to have been acquired for conservation purposes.

(d) For any lands acquired on or after July 1, 1999, for which title is vested in the governing board, the governing board shall determine which parcels shall be designated as having been acquired for conservation purposes.

**History.**--s. 4, ch. 29790, 1955; s. 25, ch. 73-190; s. 1, ch. 82-46; s. 9, ch. 82-101; s. 2, ch. 85-347; s. 25, ch. 88-242; ss. 1, 2, ch. 89-279; ss. 11, 12, ch. 90-217; s. 2, ch. 91-288; s. 4, ch. 94-212; s. 5, ch. 94-240; s. 32, ch. 99-247; s. 10, ch. 2003-394.

**Note.**--Former s. 378.48.

**373.096 Releases.**--The governing board of the district may release any easement, reservation or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the board.

**History.**--s. 4, ch. 29790, 1955; s. 25, ch. 73-190; s. 1, ch. 82-46; s. 25, ch. 88-242; ss. 1, 2, ch. 89-279; ss. 11, 12, ch. 90-217; s. 11, ch. 2001-256.

**Note.**--Former s. 378.50.